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EXAMINER	
WANG, JIN CHENG	

ART UNIT	PAPER NUMBER
2672	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/802,963	Applicant(s) NOLAN, PAUL ANTHONY JOHN
	Examiner Jin-Cheng Wang	Art Unit 2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 June 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Amendment

The amendments filed on 6/11/2003 have been entered. Claims 1, 4-5 and 8 have been amended. Claims 1-8 are pending in the application.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 2 is rejected under 35 U.S.C. 102(e) as being anticipated by Decoste et al. U.S. Pat. No. 6,317,142 (Decoste).

3. Claim 2:

Decoste teaches a method of creating effects in a graphical image, comprising choosing a media image (column 4, lines 55-67 and column 6, lines 1-9), causing edges of the media image to have less transparency (a soft brush edge having an adjustable gradient that gives the edge a soft or fuzzy appearance; figure 14, column 14, lines 63-67 and column 15, lines 1-24), adding the media image to a paint layer (column 15, lines 25-67 and column 16, lines 1-41), and

brightening ("Brighten" in figure 18) parts of the paint layer with the media image (figure 18, column 15, lines 25-67 and column 16, lines 1-41).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 3-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Long U.S. Pat. No. 5,412,767 (Long).

6. Claim 3:

Long teaches a method of creating effects in a processed graphic image, comprising providing an image channel with a graphic image having source pixels (column 4-6), providing an alpha channel having alpha channel pixels which are spatially equivalent to the source pixels (column 4-6), assigning a color value assigned to alpha channel pixels (e.g., brush profile values or stencil store 41 or the brush stamps; the source pixels and brush profile values), brightening (multiplying the profile values with stencil signals or changing the colors associated with the brush stamps and therefore brightening or darkening the color value) the color value assigned to alpha channel pixels (column 4-6), and causing edges of an image formed by the alpha channel pixels to have less transparency (e.g., a soft brush edge having an *adjustable gradient* that gives

the edge a soft or fuzzy appearance wherein a profile controls the gradient of the brush and opacity control determines the level of brush transparency; column 4-6).

Examiner Note:

- Changing the color value implies the claim limitation of "brightening" because brightening includes the tuning of the brightness by increasing or decreasing the intensity of the three color components of the individual pixels, wherein the degree of brightening or darkening is prescribed by the control parameters such as brush profile values.
- A soft brush edge having an *adjustable gradient* meets the claim limitation of "edges to have less transparency" because a soft brush edge having an adjustable gradient gives the edge a soft or fuzzy appearance wherein a profile controls the gradient of the brush and opacity control determines the level of brush transparency.

7. Claim 4:

Long teaches a method of creating effects in a graphic image, comprising providing a source image channel having source pixels (column 4-6), providing a color level with selected colors (figure 12A and column 15, lines 24-31), providing an alpha channel having alpha channel pixels (e.g., alpha channel pixel profile data that defines which pixels, paint strokes affect the image; alpha channel pixels correspond to the brush stamp pixels that are modifiable by the profile data) which are spatially equivalent to the source pixels (column 4-6), mapping multiple pixels in the alpha channel (there are one-to-one correspondence in the pixels; column 4-5), embossing the pixels in the alpha channel (e.g., modified alpha channel pixel values; column 5, lines 35-51) and using a result of the embossing for changing brightness of the selected colors being applied (column 4-5), and providing highlights to the selected colors (brush effect), thereby providing a sense of depth (multiple layers of brush strokes) due to the embossing, giving the highlights to the applied colors (column 4-6).

Examiner Note:

- Changing the color value meets the claim limitation of "embossing" because embossing includes the tuning of the brightness by increasing or decreasing the intensity of the three color components of the individual pixels, wherein the degree of brightening or darkening (embossing) is prescribed by the control parameters such as brush profile values.
- Multiple layers of brush strokes meets the claim limitation of "providing a sense of depth due to the embossing" because painting on the existing image with multiple brush strokes such as the action of smearing creates the layering effect that in turn creates a sense of depth and changing the color values by changing the stroke effects and the pixel profile data clearly meets the claim limitation of "changing brightness of the selected colors being applied."

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 1, and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Long U.S. Pat. No. 5,412,767 (Long).

10. Claim 1:

(1) Long teaches an apparatus for creating an emblazoning effect in a graphical image, comprising:

(a) A processor (e.g., the brush processor; column 5-6);

(b) A primary buffer for storing primary pixel values representing a region (e.g., primary store 19; column 5-6);

(c) A secondary buffer for storing secondary pixel values representing a region (e.g., second store 20; column 5-6);

(d) A user-modifiable alpha channel for storing tertiary values for pixels representing the same region (e.g., column 4, lines 58-67; column 5, lines 1-7; column 6, lines 35-45);

(e) A function (e.g., the shift brush function or smear brush function) representing application of both color and brightness values to input pixel values (e.g., column 4, lines 58-67; column 5, lines 1-7; column 6, lines 35-45), wherein said processor executes said function on the secondary pixel values (a source patch or a destination patch) to an extent represented by the tertiary pixel values (pixel profile data) held in the alpha channel (e.g., column 4, lines 58-67; column 5, lines 1-7; column 6, lines 35-45), for storing the resultant pixel values as the primary pixel values (e.g., modifying a patch in the primary store 19; column 5; or the modified pixel data is written to the destination patch 47; column 6), in the primary buffer (e.g., column 4-6);

(2) However, Long is silent on the claim limitation of "(f) User-activated means for copying the primary pixel values stored in the primary buffer to the secondary pixel values stored in the secondary buffer."

(3) Long teaches means are provided for copying image data from a first patch to a second patch of the image (column 4). It is conceivable that the source patch and destination patch are interchangeable and therefore Long suggests means for copying the primary pixel values in the primary buffer to the pixel values in the second buffer by copying the resulting

pixel values in the destination buffer to the source buffer when exchanging the role of the source patch and destination patch.

(4) It would have been obvious to one of ordinary skill in the art to have incorporated the means for copying the pixel data in the primary buffer back to the second buffer to replace the source region with the modified pixels wherein replicating is involved so as to reproduce the texture of the source region (column 1).

11. Claim 5:

The claim 5 encompasses the same scope of invention as that of the claim 1. The claim 5 is subject to the same rationale of rejection set forth in the claim 1.

Claim 6:

The claim 6 encompasses the same scope of invention as that of claim 5 except additional claimed limitation of choosing a media image, causing edges of the media image to have less transparency, adding the media image to a paint layer, and brightening parts of the paint layer with the media image. However, Long further discloses the claimed limitation of choosing a media image (column 4-6), causing edges of the media image to have less transparency (soft-edged brushes implying the gradient appearance in transparency; column 4-6), adding the media image to a paint layer (adding the source patch to the destination patch), and brightening (brightening or darkening depends on the selected brush profile and color, the process of brightening parts of the paint layer in inherent in Long; see column 4) parts of the paint layer

with the media image (e.g., the operating artist selects a brush color, a brush size and a type of brush; column 4).

Claim 7:

The claim 7 encompasses the same scope of invention as that of claim 5 except additional claimed limitation of providing an image channel with a graphic image having source pixels, providing in the alpha channel alpha channel pixels which are spatially equivalent to the source pixels, assigning color values to the alpha channel pixels, and causing edges of an image formed by the alpha channel pixels to have less transparency. However, Long further discloses the claimed limitation of providing an image channel with a graphic image having source pixels (e.g., column 2, lines 33-55), providing in the alpha channel alpha channel pixels which are spatially equivalent to the source pixels (e.g., column 4, lines 40-43; column 5, lines 14-17), assigning color values to the alpha channel pixels (column 4, lines 58-67; column 5, lines 1-8), and causing edges of an image formed by the alpha channel pixels to have less transparency (e.g., soft edge brushes having a gradient effect in the level of transparency in the edges; column 4-6).

Claim 8:

The claim 8 encompasses the same scope of invention as that of claim 5 except additional claimed limitation of providing source image channel having source pixels, providing a color level with selected colors, and providing in the alpha channel alpha pixels which are spatially equivalent to the source pixels. However, Long further discloses the claimed limitation of providing source image channel having source pixels (column 5), providing a color level with

selected colors (column 4), and providing in the alpha channel alpha pixels which are spatially equivalent to the source pixels (e.g., column 4, lines 58-67; column 5, lines 1-8).

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jin-Cheng Wang whose telephone number is (703) 605-1213. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi can be reached on (703) 305-4713. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-6606 for regular communications and (703) 308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 395-3900.

jcw
February 3, 2004

MICHAEL RAZAVI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600